

**THE HONORABLE THERESA L. FRICKE
THE HONORABLE LAUREN KING**

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

SABRINA MARIE KENDALL,

Plaintiff,

vs.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

NO. 3:21-cv-05502-LK-TLF

**YAKIMA COUNTY
DEFENDANTS' ANSWER**

TO: Plaintiff, Sabrina Marie Kendall, pro se

Defendants Yakima County Department of Corrections, Ed Campbell and Christina Freeburg (Yakima County Defendants) answer plaintiff's complaint as follows:

1. This paragraph makes allegations against other defendants and requires no response from the Yakima County Defendants.

2. Yakima County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

3. This paragraph makes no factual allegations against the Yakima County Defendants and thus requires no response.

**YAKIMA COUNTY DEFENDANTS' ANSWER – 1
Cause No.: 3:21-cv-05502-LK-TLF**

*LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.*
ATTORNEYS AT LAW
2674 R.W. JOHNSON RD. TUMWATER, WA 98512
P.O. BOX 11880 OLYMPIA, WASHINGTON 98508-1880
(360) 754-3480 FAX: (360) 357-3511

1 4. This paragraph makes no factual allegations against the Yakima County
2 Defendants and thus requires no response.

3 5. Yakima County Defendants are without knowledge or information sufficient to
4 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

5 6. This paragraph makes allegations against other defendants and requires no
6 response from the Yakima County Defendants.

7
8 7. Yakima County Defendants admit Defendant Yakima County Department of
9 Corrections is an agency of Yakima County and operates the Yakima County Jail. The remainder
10 of this paragraph is denied.

11 8. This paragraph makes allegations against other defendants and requires no
12 response from the Yakima County Defendants.

13 9. Yakima County Defendants are without knowledge or information sufficient to
14 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

15 10. This paragraph makes allegations against other defendants and requires no
16 response from the Yakima County Defendants.

17
18 11. Yakima County Defendants are without knowledge or information sufficient to
19 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

20 12. This paragraph makes allegations against other defendants and requires no
21 response from the Yakima County Defendants.

22 13. This paragraph makes allegations against other defendants and requires no
23 response from the Yakima County Defendants.

24 14. Yakima County Defendants are without knowledge or information sufficient to
25 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.
26

1 15. Yakima County Defendants are without knowledge or information sufficient to
2 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

3 16. Yakima County Defendants are without knowledge or information sufficient to
4 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

5 17. Yakima County Defendants admit plaintiff was temporarily transferred to the
6 Yakima County Jail but are without knowledge or information sufficient to form a belief as to
7 the truth of the remaining allegations in this paragraph and therefore deny the same.

8 18. Yakima County Defendants are without knowledge or information sufficient to
9 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

10 19. Yakima County Defendants are without knowledge or information sufficient to
11 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

12 20. Yakima County Defendants are without knowledge or information sufficient to
13 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

14 21. Yakima County Defendants are without knowledge or information sufficient to
15 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

16 22. Yakima County Defendants are without knowledge or information sufficient to
17 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

18 23. Yakima County Defendants are without knowledge or information sufficient to
19 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

20 24. Yakima County Defendants are without knowledge or information sufficient to
21 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

22 25. Yakima County Defendants are without knowledge or information sufficient to
23 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

1 26. Yakima County Defendants are without knowledge or information sufficient to
2 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

3 27. Yakima County Defendants are without knowledge or information sufficient to
4 form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

5 28. Yakima County Defendants incorporate their responses to paragraphs 1-27 above.

6 29. Yakima County Defendants deny the same.

7 30. Yakima County Defendants incorporate their responses to paragraphs 1-29 above.

8 31. This paragraph makes allegations against other defendants and requires no
9 response from the Yakima County Defendants. To the extent it makes allegations against the
10 Yakima County Defendants, it is denied.
11

12 32. Yakima County Defendants deny the same.

13 33. Yakima County Defendants incorporate their responses to paragraphs 1-32 above.

14 34. Yakima County Defendants deny the same.

15 35. Yakima County Defendants deny the same.

16 36. Yakima County Defendants incorporate their responses to paragraphs 1-35 above.

17 37. This paragraph makes allegations against other defendants and requires no
18 response from the Yakima County Defendants. To the extent it makes allegations against the
19 Yakima County Defendants, it is denied.
20

21 38. This paragraph makes allegations against other defendants and requires no
22 response from the Yakima County Defendants. To the extent it makes allegations against the
23 Yakima County Defendants, it is denied.
24

25 Yakima County Defendants further deny plaintiff is entitled to the relief she seeks in her
26 Relief Demanded, items 1-3.

1 By way of FURTHER ANSWER and AFFIRMATIVE DEFENSES, Yakima County
2 Defendants allege:

3 1. That the plaintiff has failed to state a claim for which relief can be granted against
4 these defendants.

5 2. That qualified immunity precludes plaintiff's claims.

6 3. That the public duty doctrine and qualified and/or good faith immunity preclude
7 plaintiff's state law claims.

8 4. That the plaintiff's comparative fault proximately caused her damages, if any.

9 5. That the plaintiff failed to mitigate her damages, if any.

10 6. That the plaintiff failed to exhaust applicable administrative remedies prior to
11 filing suit as required by the Prison Litigation Reform Act.

12 7. That the plaintiff's damages, if any, were caused by fault of parties not in the
13 control of the Yakima County Defendants.

14 8. That sovereign immunity precludes plaintiff's claims.

15 9. That the plaintiff's claims are barred by the applicable statute of limitations.

16 10. That the plaintiff failed to submit a Notice of Claim as required by state law.

17 Yakima County Defendants expressly reserve the right to amend this Answer, including
18 the addition of affirmative defenses warranted by investigation and discovery, and to make such
19 amendments either before or during trial, including asserting other defense theories or
20 conforming the pleadings to the proof offered at the time of trial.

21 WHEREFORE, Yakima County Defendants pray as follows:
22
23
24
25
26

1 1. That plaintiff's Complaint be dismissed with prejudice and that plaintiff take
2 nothing by her Complaint and that Yakima County Defendants be allowed their costs and
3 reasonable attorneys' fees herein.

4 Dated this 21st day of April, 2022.

5
6 LAW, LYMAN, DANIEL, KAMERRER
 & BOGDANOVICH, P.S.

7 /s/ John E. Justice

8 John E. Justice, WSBA No. 23042
9 Attorney for Defendants Yakima County
 Department of Corrections, Ed Campbell and
10 Christina Freeburg
 P.O. Box 11880, Olympia, WA 98508
11 Phone: (360) 754-3480 Fax: 360-754-3480
 Email: jjustice@lldkb.com

CERTIFICATE OF FILING AND SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on this date, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, who will send notification of such filing to the following party:

Plaintiff Pro Se:

Sabrina Kendall, DOC No. 729655
Washington Corrections Center for Women
9601 Bujacich Road NW
Gig Harbor, WA 98332-8300
DOCWCCWInmateFederal@DOC1.WA.GOV

**Counsel for Defendant Washington
Department of Corrections,
Steven Sinclair, Lisa Anderson-Longano,
Paul Clark and Jo Wofford:**

Mark J. Rachel
Attorney General's Office (Tacoma)
1250 Pacific Ave Ste 105
P.O. Box 2317
Tacoma, WA 98401-2317
mark.rachel@atg.wa.gov

DATED this 21st day of April, 2022 at Tumwater, WA.

/s/ Tam Truong

Tam Truong, Legal Assistant